

51-9-101. Title.

This chapter is known as the "Funds and Accounts Act."

Enacted by Chapter 382, 2008 General Session

51-9-201. Creation of Tobacco Settlement Restricted Account.

(1) There is created within the General Fund a restricted account known as the "Tobacco Settlement Restricted Account."

(2) The account shall earn interest.

(3) The account shall consist of:

(a) on and after July 1, 2007, 60% of all funds of every kind that are received by the state that are related to the settlement agreement that the state entered into with leading tobacco manufacturers on November 23, 1998; and

(b) interest earned on the account.

(4) To the extent that funds will be available for appropriation in a given fiscal year, those funds shall be appropriated from the account in the following order:

(a) \$66,600 to the Office of the Attorney General for ongoing enforcement and defense of the Tobacco Settlement Agreement;

(b) \$18,500 to the State Tax Commission for ongoing enforcement of business compliance with the Tobacco Tax Settlement Agreement;

(c) \$10,452,900 to the Department of Health for:

(i) children in the Medicaid program created in Title 26, Chapter 18, Medical Assistance Act, and the Children's Health Insurance Program created in Section 26-40-103; and

(ii) for restoration of dental benefits in the Children's Health Insurance Program;

(d) \$3,847,100 to the Department of Health for alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs that promote unified messages and make use of media outlets, including radio, newspaper, billboards, and television, and with a preference in funding given to tobacco-related programs;

(e) \$193,700 to the Administrative Office of the Courts and \$2,325,400 to the Department of Human Services for the statewide expansion of the drug court program;

(f) \$4,000,000 to the State Board of Regents for the University of Utah Health Sciences Center to benefit the health and well-being of Utah citizens through in-state research, treatment, and educational activities; and

(g) any remaining funds as directed by the Legislature through appropriation.

Amended by Chapter 96, 2014 General Session

51-9-202. Permanent state trust fund.

(1) Until July 1, 2003, 50% of all funds of every kind that are received by the state that are related to the settlement agreement that the state entered into with leading tobacco manufacturers on November 23, 1998, shall be deposited into the permanent state trust fund created by and operated under Utah Constitution Article XXII, Section 4.

(2) On and after July 1, 2003 and until July 1, 2004 20% of the funds of any kind received by the state that are related to the settlement agreement that the state entered

into with leading tobacco manufacturers shall be deposited into the permanent state trust fund created by and operated under Utah Constitution Article XXII, Section 4.

(3) On and after July 1, 2004 and until July 1, 2005, 30% of all funds of any kind received by the state that are related to the settlement agreement that the state entered into with leading tobacco manufacturers shall be deposited into the General Fund Budget Reserve Account created in Section 63J-1-312.

(4) On and after July 1, 2005 and until July 1, 2007, 25% of all funds of any kind received by the state that are related to the settlement agreement that the state entered into with leading tobacco manufacturers shall be deposited into the permanent state trust fund created by and operated under Utah Constitution Article XXII, Section 4.

(5) On and after July 1, 2007, 40% of all funds of every kind that are received by the state that are related to the settlement agreement that the state entered into with leading tobacco manufacturers on November 23, 1998, shall be deposited into the General Fund and the remaining funds deposited as directed.

(6) Funds in the permanent state trust fund shall be deposited or invested pursuant to Chapter 7b, Investment of Permanent State Trust Fund Money.

(7) (a) In accordance with Utah Constitution Article XXII, Section 4, the interest and dividends earned annually from the permanent state trust fund shall be deposited in the General Fund. There shall be transferred on an ongoing basis from the General Fund to the permanent state trust fund created under Utah Constitution Article XXII, Section 4, an amount equal to 50% of the interest and dividends earned annually from the permanent state trust fund. The amount transferred into the fund under this Subsection (7)(a) shall be treated as principal.

(b) Any annual interest or dividends earned from the permanent state trust fund that remain in the General Fund after Subsection (7)(a) may be appropriated by the Legislature.

(c) Any realized or unrealized gains or losses on investments in the permanent state trust fund shall remain in the permanent state trust fund.

(8) This section does not apply to funds deposited under Chapter 9, Part 3, Infrastructure and Economic Diversification Investment Account and Deposit of Certain Severance Taxes into Permanent State Trust Fund Act, into the permanent state trust fund.

Amended by Chapter 211, 2013 General Session

51-9-203. Requirements for tobacco programs.

(1) To be eligible to receive funding under this part for a tobacco prevention, reduction, cessation, or control program, an organization, whether private, governmental, or quasi-governmental, shall:

(a) submit a request to the Department of Health containing the following information:

(i) for media campaigns to prevent or reduce smoking, the request shall demonstrate sound management and periodic evaluation of the campaign's relevance to the intended audience, particularly in campaigns directed toward youth, including audience awareness of the campaign and recollection of the main message;

(ii) for school-based education programs to prevent and reduce youth smoking,

the request shall describe how the program will be effective in preventing and reducing youth smoking;

(iii) for community-based programs to prevent and reduce smoking, the request shall demonstrate that the proposed program:

(A) has a comprehensive strategy with a clear mission and goals;

(B) provides for committed, caring, and professional leadership; and

(C) if directed toward youth:

(I) offers youth-centered activities in youth accessible facilities;

(II) is culturally sensitive, inclusive, and diverse;

(III) involves youth in the planning, delivery, and evaluation of services that affect them; and

(IV) offers a positive focus that is inclusive of all youth; and

(iv) for enforcement, control, and compliance program, the request shall demonstrate that the proposed program can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 19;

(b) agree, by contract, to file an annual written report with the Department of Health. The report shall contain the following:

(i) the amount funded;

(ii) the amount expended;

(iii) a description of the program or campaign and the number of adults and youth who participated;

(iv) specific elements of the program or campaign meeting the applicable criteria set forth in Subsection (1)(a); and

(v) a statement concerning the success and effectiveness of the program or campaign;

(c) agree, by contract, to not use any funds received under this part directly or indirectly, to:

(i) engage in any lobbying or political activity, including the support of, or opposition to, candidates, ballot questions, referenda, or similar activities; or

(ii) engage in litigation with any tobacco manufacturer, retailer, or distributor, except to enforce:

(A) the provisions of the Master Settlement Agreement;

(B) Title 26, Chapter 38, Utah Clean Air Act;

(C) Title 26, Chapter 42, Civil Penalties for Tobacco Sales to Underaged Persons; and

(D) Title 77, Chapter 39, Sale of Tobacco and Alcohol to Underaged Persons; and

(d) agree, by contract, to repay the funds provided under this part if the organization:

(i) fails to file a timely report as required by Subsection (1)(b); or

(ii) uses any portion of the funds in violation of Subsection (1)(c).

(2) The Department of Health shall review and evaluate the success and effectiveness of any program or campaign that receives funding pursuant to a request submitted under Subsection (1). The review and evaluation:

(a) shall include a comparison of annual smoking trends;

(b) may be conducted by an independent evaluator; and

- (c) may be paid for by funds appropriated from the account for that purpose.
- (3) The Department of Health shall annually report to the Social Services Appropriations Subcommittee on the reviews conducted pursuant to Subsection (2).
- (4) An organization that fails to comply with the contract requirements set forth in Subsection (1) shall:
 - (a) repay the state as provided in Subsection (1)(d); and
 - (b) be disqualified from receiving funds under this part in any subsequent fiscal year.
- (5) The attorney general shall be responsible for recovering funds that are required to be repaid to the state under this section.
- (6) Nothing in this section may be construed as applying to funds that are not appropriated under this part.

Amended by Chapter 242, 2012 General Session

51-9-301. Title.

This part is known as the "Infrastructure and Economic Diversification Investment Account and Deposit of Certain Severance Taxes into Permanent State Trust Fund Act."

Amended by Chapter 219, 2010 General Session

51-9-302. Definitions.

As used in this part:

- (1) "Infrastructure and Economic Diversification Investment Account" means the Infrastructure and Economic Diversification Investment Account created in Section 51-9-303.
- (2) "Permanent state trust fund" means the permanent state trust fund created under Utah Constitution Article XXII, Section 4.

Amended by Chapter 219, 2010 General Session

51-9-303. Creation of Infrastructure and Economic Diversification Investment Account.

- (1) (a) There is created a restricted account within the General Fund known as the "Infrastructure and Economic Diversification Investment Account."
- (b) The Infrastructure and Economic Diversification Investment Account shall consist of:
 - (i) all money credited to the account under Section 51-9-305;
 - (ii) appropriations from the Legislature; and
 - (iii) grants from private foundations.
- (2) (a) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.
- (b) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.
- (3) The Legislature may appropriate money from the Infrastructure and

Economic Diversification Investment Account for infrastructure and economic diversification investment projects.

(4) At least 25% of the money appropriated in accordance with Subsection (3) shall be used for the following projects within areas of the state that produced the severance tax revenues:

- (a) capital and infrastructure development; and
- (b) economic diversification investment.

Amended by Chapter 141, 2008 General Session

Amended by Chapter 216, 2008 General Session

Renumbered and Amended by Chapter 382, 2008 General Session

51-9-305. Deposit and credit of certain severance tax revenue.

(1) As used in this section, "aggregate annual revenue" means the aggregate annual revenue collected in a fiscal year from the taxes imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining, after subtracting the amounts required to be distributed under Sections 59-5-116 and 59-5-119.

(2) After making the deposits of oil and gas severance tax revenue as required under Sections 59-5-116 and 59-5-119, the Division of Finance shall make the credit required under Subsection (3).

(3) Beginning on July 1, 2016, the Division of Finance shall credit to the permanent state trust fund the following aggregate annual revenue:

- (a) 25% of the first \$50,000,000 of aggregate annual revenue;
- (b) 50% of the next \$50,000,000 of aggregate annual revenue; and
- (c) 75% of the aggregate annual revenue that exceeds \$100,000,000.

(4) The state treasurer shall invest and separately account for the earnings on funds that are credited to the permanent state trust fund under this section.

(5) (a) In accordance with Utah Constitution Article XXII, Section 4, the interest and dividends earned annually on revenue from severance taxes that are credited to the permanent state trust fund shall be credited to the General Fund.

(b) Interest and dividends earned on revenue from severance taxes that are credited to the General Fund pursuant to Subsection (5)(a) shall be credited to the Infrastructure and Economic Diversification Investment Account created in Section 51-9-303.

Amended by Chapter 241, 2014 General Session

51-9-401. Surcharge -- Application and exemptions.

(1) (a) A surcharge shall be paid on all criminal fines, penalties, and forfeitures imposed by the courts.

(b) The surcharge shall be:

(i) 90% upon conviction of a:

(A) felony;

(B) class A misdemeanor;

(C) violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; or

(D) class B misdemeanor not classified within Title 41, Motor Vehicles, including violation of comparable county or municipal ordinances; or

(ii) 35% upon conviction of any other offense, including violation of county or municipal ordinances not subject to the 90% surcharge.

(c) The Division of Finance shall allocate the collected 90% surcharge in Subsection (1)(b)(i) in the following order:

(i) the first \$30,000 to the General Fund;

(ii) the next 4.5% to the Law Enforcement Services Account established in Section 51-9-412; and

(iii) the remainder as prescribed in Sections 51-9-403 through 51-9-411.

(2) The surcharge may not be imposed:

(a) upon nonmoving traffic violations;

(b) upon court orders when the offender is ordered to perform compensatory service work in lieu of paying a fine; and

(c) upon penalties assessed by the juvenile court as part of the nonjudicial adjustment of a case under Section 78A-6-602.

(3) (a) The surcharge and the exceptions under Subsections (1) and (2) also apply to all fines, penalties, and forfeitures imposed on juveniles for conduct that would be criminal if committed by an adult.

(b) However, the surcharge does not include amounts assessed or collected separately by juvenile courts for the Juvenile Restitution Account, which is independent of this part and does not affect the imposition or collection of the surcharge.

(4) The surcharge under this section shall be imposed in addition to the fine charged for a civil or criminal offense, and no reduction may be made in the fine charged due to the surcharge imposition.

(5) Fees, assessments, and surcharges related to criminal or traffic offenses shall be authorized and managed by this part rather than attached to particular offenses.

Amended by Chapter 402, 2010 General Session

51-9-402. Division of collected money retained by state treasurer and local governmental collecting entity -- Purpose of surcharge -- Allocation of collections -- Financial information.

(1) The amount of the surcharge imposed under this part by courts of record shall be collected before any fine and deposited with the state treasurer.

(2) The amount of the surcharge and the amount of criminal fines, penalties, and forfeitures imposed under this part by courts not of record shall be collected concurrently.

(a) As money is collected on criminal fines, penalties, and forfeitures subject to the 90% surcharge, the money shall be divided pro rata so that the local governmental collecting entity retains 53% of the collected money and the state retains 47% of the collected money.

(b) As money is collected on criminal fines, penalties, and forfeitures subject to the 35% surcharge, the money shall be divided pro rata so that the local governmental collecting entity retains 74% of the collected money and the state retains 26% of the

collected money.

(c) The court shall deposit with the state treasurer the surcharge portion of all money as it is collected.

(3) Courts of record, courts not of record, and administrative traffic proceedings shall collect financial information to determine:

(a) the total number of cases in which:

(i) a final judgment has been rendered;

(ii) surcharges and fines are paid by partial or installment payment; and

(iii) the judgment is fulfilled by an alternative method upon the court's order; and

(b) the total dollar amounts of surcharges owed to the state and fines owed to the state and county or municipality, including:

(i) waived surcharges;

(ii) uncollected surcharges; and

(iii) collected surcharges.

(4) The courts of record, courts not of record, and administrative traffic proceedings shall report all collected financial information monthly to the Administrative Office of the Courts. The collected information shall be categorized by cases subject to the 90% and 35% surcharge.

(5) The purpose of the surcharge is to finance the trust funds and support accounts as provided in this part.

(6) (a) From the surcharge, the Division of Finance shall allocate in the manner and for the purposes described in Sections 51-9-403 through 51-9-411.

(b) Allocations shall be made on a fiscal year basis.

(7) The provisions of this section and Section 51-9-401 may not impact the distribution and allocation of fines and forfeitures imposed in accordance with Sections 23-14-13, 78A-5-110, and 78A-7-120.

Amended by Chapter 342, 2011 General Session

51-9-403. EMS share of surcharge -- Accounting.

(1) The Division of Finance shall allocate 14% of the collected surcharge established in Section 51-9-401, but not to exceed the amount appropriated by the Legislature, to the Emergency Medical Services (EMS) Grants Program Account under Section 26-8a-207.

(2) The amount shall be recorded by the Department of Health as a dedicated credit.

Renumbered and Amended by Chapter 382, 2008 General Session

51-9-404. Crime Victims Reparations Fund -- Public Safety Support Account -- Distribution of surcharge amounts.

(1) In this section:

(a) "Reparation fund" means the Crime Victim Reparations Fund.

(b) "Safety account" means the Public Safety Support Account.

(2) (a) There is created an expendable special revenue fund known as the "Crime Victim Reparations Fund" to be administered and distributed as provided in this

part by the Utah Office for Victims of Crime under Title 63M, Chapter 7, Part 5, Utah Office for Victims of Crime, in cooperation with the Division of Finance.

(b) Money deposited in this fund is for victim reparations, other victim services, and, as appropriated, for administrative costs of the Office for Victims of Crime in Title 63M, Chapter 7, Part 5.

(3) (a) There is created a restricted account in the General Fund known as the "Public Safety Support Account" to be administered and distributed by the Department of Public Safety in cooperation with the Division of Finance as provided in this part.

(b) Money deposited in this account shall be appropriated to:

(i) the Division of Peace Officer Standards and Training (POST) as described in Title 53, Chapter 6, Peace Officer Standards and Training Act; and

(ii) the Office of the Attorney General for the support of the Utah Prosecution Council established in Title 67, Chapter 5a, and the fulfillment of the council's duties.

(4) The Division of Finance shall allocate from the collected surcharge established in Section 51-9-401:

(a) 35% to the Crime Victim Reparations Fund;

(b) 18.5% to the safety account for POST, but not to exceed the amount appropriated by the Legislature; and

(c) 3% to the safety account for support of the Utah Prosecution Council, but not to exceed the amount appropriated by the Legislature.

(5) (a) In addition to the funding provided by other sections of this part, a percentage of the income earned by inmates working for correctional industries in a federally certified private sector/prison industries enhancement program shall be deposited in the Crime Victim Reparations Fund.

(b) The percentage of income deducted from inmate pay under Subsection (5)(a) shall be determined by the executive director of the Department of Corrections in accordance with the requirements of the private sector/prison industries enhancement program.

(6) (a) In addition to other money collected from the surcharge, judges are encouraged to, and may in their discretion, impose additional reparations to be paid into the Crime Victim Reparations Fund by convicted criminals.

(b) The additional discretionary reparations may not exceed the statutory maximum fine permitted by Title 76, Utah Criminal Code, for that offense.

Amended by Chapter 56, 2014 General Session

51-9-405. Substance Abuse Prevention Account established -- Funding -- Uses.

(1) There is created a restricted account within the General Fund known as the Substance Abuse Prevention Account.

(2) (a) The Division of Finance shall allocate to the Substance Abuse Prevention Account from the collected surcharge established in Section 51-9-401:

(i) 2.5% for the juvenile court, but not to exceed the amount appropriated by the Legislature; and

(ii) 2.5% for the State Office of Education, but not to exceed the amount appropriated by the Legislature.

(b) The juvenile court shall use the allocation to pay for compensatory service programs required by Subsection 78A-6-117(2)(m).

(c) The State Office of Education shall use the allocation in public school programs for:

- (i) substance abuse prevention and education;
- (ii) substance abuse prevention training for teachers and administrators; and
- (iii) district and school programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.

Amended by Chapter 356, 2009 General Session

51-9-406. Victims of Domestic Violence Services Account established -- Funding -- Uses.

(1) There is created a restricted account in the General Fund known as the Victims of Domestic Violence Services Account.

(2) (a) The Division of Finance shall allocate to the Victims of Domestic Violence Services Account from the collected surcharge established in Section 51-9-401:

- (i) 4% for the Division for Domestic Violence Services, but not to exceed the amount appropriated by the Legislature; and
- (ii) .5% for the Office of the Attorney General, but not to exceed the amount appropriated by the Legislature.

(b) The attorney general shall use the allocation for training municipal and county attorneys in the prosecution of domestic violence offenses.

Renumbered and Amended by Chapter 382, 2008 General Session

51-9-407. Intoxicated Driver Rehabilitation Account share of surcharge.

The Division of Finance shall allocate 7.5% of the collected surcharge established in Section 51-9-401, but not to exceed the amount appropriated by the Legislature, to the Intoxicated Driver Rehabilitation Account created in Section 62A-15-502.5.

Amended by Chapter 278, 2010 General Session

51-9-408. Children's Legal Defense Account.

(1) There is created a restricted account within the General Fund known as the Children's Legal Defense Account.

(2) The purpose of the Children's Legal Defense Account is to provide for programs that protect and defend the rights, safety, and quality of life of children.

(3) The Legislature shall appropriate money from the account for the administrative and related costs of the following programs:

(a) implementing the Mandatory Educational Course on Children's Needs for Divorcing Parents relating to the effects of divorce on children as provided in Sections 30-3-4, 30-3-10.3, 30-3-11.3, and 30-3-15.3, and the Mediation Program - Child Custody or Parent-time;

(b) implementing the use of guardians ad litem as provided in Sections

78A-2-703, 78A-2-705, 78A-6-902, and 78B-3-102; the training of attorney guardians ad litem and volunteers as provided in Section 78A-6-902; and termination of parental rights as provided in Sections 78A-6-117 and 78A-6-118, and Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act. This account may not be used to supplant funding for the guardian ad litem program in the juvenile court as provided in Section 78A-6-902;

(c) implementing and administering the Expedited Parent-time Enforcement Program as provided in Section 30-3-38; and

(d) implementing and administering the Divorce Education for Children Program.

(4) The following withheld fees shall be allocated only to the Children's Legal Defense Account and used only for the purposes provided in Subsections (3)(a) through (d):

(a) the additional \$10 fee withheld on every marriage license issued in the state of Utah as provided in Section 17-16-21; and

(b) a fee of \$4 shall be withheld from the existing civil filing fee collected on any complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.

(5) The Division of Finance shall allocate the money described in Subsection (4) from the General Fund to the Children's Legal Defense Account.

(6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30 of any fiscal year shall lapse into the General Fund.

Amended by Chapter 267, 2014 General Session

51-9-409. Guardian Ad Litem Services Account established -- Funding -- Uses.

(1) (a) There is created in the General Fund a restricted account known as the Guardian Ad Litem Services Account, for the purpose of funding the Office of Guardian Ad Litem, in accordance with the provisions of Sections 78A-6-901 and 78A-6-902.

(b) The account shall be funded by:

(i) the donation described in Subsection 41-1a-422(1)(a)(i)(F); and

(ii) the amount allocated to the account as provided in Subsections (2) and (3).

(2) Except as provided in Subsection (3), the Division of Finance shall allocate 1.75% of the collected surcharge established in Section 51-9-401 to the Guardian Ad Litem Services Account.

(3) The amount allocated under Subsection (2) may not exceed the amount appropriated to the Guardian Ad Litem Services Account by the Legislature.

Amended by Chapter 303, 2011 General Session

51-9-410. Statewide Warrant Operations Account -- Share of surcharge -- Use.

(1) There is created a restricted account within the General Fund known as the Statewide Warrant Operations Account.

(2) The Division of Finance shall allocate 2.5% of the collected surcharge established under Section 51-9-401, but not to exceed the amount appropriated by the

Legislature, to this account.

(3) The Legislature may appropriate money from the restricted account to the Department of Public Safety to pay for statewide warrant system costs incurred under Section 53-10-208.

Renumbered and Amended by Chapter 382, 2008 General Session

51-9-411. Law Enforcement Operations Account -- Share of surcharge -- Uses.

- (1) As used in this section:
 - (a) "Account" means the Law Enforcement Operations Account.
 - (b) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (c) "Law enforcement agency" means a state or local law enforcement agency.
 - (d) "Other appropriate agency" means a state or local government agency, or a nonprofit organization, that works to prevent illegal drug activity and enforce laws regarding illegal drug activity and related criminal activity by:
 - (i) programs, including education, prevention, treatment, and research programs; and
 - (ii) enforcement of laws regarding illegal drugs.
- (2) There is created a restricted account within the General Fund known as the Law Enforcement Operations Account.
- (3) (a) The Division of Finance shall allocate the balance of the collected surcharge under Section 51-9-401 that is not allocated under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation, to the account, to be appropriated by the Legislature.
 - (b) Money in the account shall be appropriated to the commission for implementing law enforcement operations and programs related to reducing illegal drug activity and related criminal activity as listed in Subsection (5).
 - (c) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.
 - (d) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.
- (4) (a) The commission shall allocate grants of funds from the account for the purposes under Subsection (5) to state, local, or multijurisdictional law enforcement agencies and other appropriate agencies.
 - (b) The grants shall be made by an application process established by the commission in accordance with Subsection (6).
- (5) (a) The first priority of the commission is to annually allocate not more than \$2,500,000, depending upon funding available from other sources, to directly fund the operational costs of state and local law enforcement agencies' drug or crime task forces, including multijurisdictional task forces.
 - (b) The second priority of the commission is to allocate grants for specified law enforcement agency functions and other agency functions as the commission finds appropriate to more effectively reduce illegal drug activity and related criminal activity, including providing education, prevention, treatment, and research programs.

(6) (a) In allocating grants and determining the amount of the grants, the commission shall consider:

(i) the demonstrated ability of the agency to appropriately use the grant to implement the proposed functions and how this function or task force will add to the law enforcement agency's current efforts to reduce illegal drug activity and related criminal activity; and

(ii) the agency's cooperation with other state and local agencies and task forces.

(b) Agencies qualify for a grant only if they demonstrate compliance with all reporting and policy requirements applicable under this section and under Title 63M, Chapter 7, Criminal Justice and Substance Abuse, in order to qualify as a potential grant recipient.

(7) Recipient agencies may only use grant money after approval or appropriation by the agency's governing body, and a determination that the grant money is nonlapsing.

(8) A recipient law enforcement agency may use funds granted under this section only for the purposes stated by the commission in the grant.

(9) For each fiscal year, any law enforcement agency that receives a grant from the commission under this section shall prepare, and file with the commission and the state auditor, a report in a form specified by the commission. The report shall include the following regarding each grant:

(a) the agency's name;

(b) the amount of the grant;

(c) the date of the grant;

(d) how the grant has been used; and

(e) a statement signed by both the agency's or political subdivision's executive officer or designee and by the agency's legal counsel, that all grant funds were used for law enforcement operations and programs approved by the commission and that relate to reducing illegal drug activity and related criminal activity, as specified in the grant.

(10) The commission shall report in writing to the legislative Law Enforcement and Criminal Justice Interim Committee annually regarding the grants allocated under this section, including the amounts and uses of the grants.

Amended by Chapter 342, 2011 General Session

51-9-412. Law Enforcement Services Account -- Funding -- Uses.

(1) As used in this section:

(a) "Account" means the Law Enforcement Services Account.

(b) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

(c) "Halfway house" means a facility that houses parolees upon release from prison or houses probationers who have violated the terms of their probation.

(d) "Law enforcement agency" means a local law enforcement agency.

(e) "Parole violator center" means a facility that houses parolees who have violated the conditions of their parole agreement.

(2) There is created a restricted account within the General Fund known as the "Law Enforcement Services Account."

(3) (a) The Division of Finance shall allocate funds from the collected surcharge in accordance with Subsection 51-9-401(1)(c) to the account, but not to exceed the amount appropriated by the Legislature.

(b) Money in the account shall be appropriated to the commission to administer and distribute to law enforcement agencies providing services directly to areas with halfway houses or parole violator centers, or both.

(4) The commission shall allocate funds from the account to local law enforcement agencies on a pro-rata basis determined by:

(a) the average daily number of occupied beds in a halfway house in each agency's jurisdiction for increased enforcement in areas with halfway houses;

(b) the average daily number of occupied beds in a parole violator center in each agency's jurisdiction; or

(c) both Subsections (4)(a) and (b).

(5) A law enforcement agency may use funds received under this section only for the purposes stated in this section.

(6) For each fiscal year, any law enforcement agency that receives funds from the commission under this section shall prepare, and file with the commission and the state auditor, a report in a form specified by the commission. The report shall include the following:

(a) the agency's name;

(b) the amount received;

(c) how the funds were used, including the impact on crime reduction efforts in areas with halfway houses or parole violator centers, or both; and

(d) a statement signed by both the agency's or political subdivision's executive officer or designee and by the agency's legal counsel that all funds were used for law enforcement operations related to reducing criminal activity in areas with halfway houses or parole violator centers, or both.

(7) The commission shall report in writing to the legislative Law Enforcement and Criminal Justice Interim Committee annually regarding the funds allocated under this section, including the amounts and uses.

Amended by Chapter 280, 2014 General Session

51-9-501. Title.

This part is known as the "Transition for Repealed Navajo Trust Fund Act."

Enacted by Chapter 202, 2008 General Session

51-9-502. Definitions.

As used in this part:

(1) "Liability or obligation" includes only an action specifically approved by the majority of the repealed board of trustees in a meeting of the repealed board of trustees.

(2) "Related assets and liabilities" means the assets, liabilities, and obligations of the repealed Navajo Trust Fund as of June 30, 2008.

(3) "Repealed board of trustees" means the board of trustees appointed under

Title 63, Chapter 88, Navajo Trust Fund, repealed under Title 63I, Chapter 1, Legislative Oversight and Sunset Act.

(4) "Repealed Dineh Committee" means the Dineh Committee established under Title 63, Chapter 88, Navajo Trust Fund, repealed under Title 63I, Chapter 1, Legislative Oversight and Sunset Act.

(5) "Repealed Navajo Trust Fund" means the Navajo Trust Fund established under Title 63, Chapter 88, Navajo Trust Fund, repealed under Title 63I, Chapter 1, Legislative Oversight and Sunset Act.

(6) "Repealed trust administrator" means the trust administrator appointed under Title 63, Chapter 88, Navajo Trust Fund, repealed under Title 63I, Chapter 1, Legislative Oversight and Sunset Act.

(7) "Utah Navajo royalties" means the revenues received by the state that represent the 37-1/2% of the net oil royalties from the Aneth Extension of the Navajo Indian Reservation required by P.L. 72-403, 47 Stat. 1418, and P.L. 90-306, 82 Stat. 121, to be paid to the state.

Enacted by Chapter 202, 2008 General Session

51-9-503. Purpose statement.

It is the purpose of this part to provide for a transitional process until congressional action designates a new recipient of the Utah Navajo royalties.

Enacted by Chapter 202, 2008 General Session

51-9-504. Utah Navajo royalties and related issues.

(1) (a) Notwithstanding Title 63, Chapter 88, Navajo Trust Fund, repealed July 1, 2008, and except as provided in Subsection (7), the following are subject to this Subsection (1):

- (i) the repealed board of trustees;
- (ii) the repealed trust administrator;
- (iii) an employee or agent of the repealed Navajo Trust Fund; or
- (iv) the repealed Dineh Committee.

(b) The repealed board of trustees may not:

(i) beginning on March 17, 2008, take an action that imposes or may impose a liability or obligation described in Subsection (1)(d) that is:

- (A) anticipated to be completed on or after January 1, 2010; or
- (B) equal to or greater than \$100,000; or

(ii) on or after May 5, 2008, take an action that imposes or may impose a liability or obligation described in Subsection (1)(d).

(c) On or after March 17, 2008, a person described in Subsections (1)(a)(ii) through (iv) may not take an action that imposes or may impose a liability or obligation described in Subsection (1)(d).

(d) Subsection (1)(b) applies to a liability or obligation on:

- (i) the repealed Navajo Trust Fund;
- (ii) the Navajo Revitalization Fund created under Title 35A, Chapter 8, Part 17, Navajo Revitalization Fund Act;

- (iii) the state; or
- (iv) any of the following related to an entity described in this Subsection (1)(d):
 - (A) a department;
 - (B) a division;
 - (C) an office;
 - (D) a committee;
 - (E) a board;
 - (F) an officer;
 - (G) an employee; or
 - (H) a similar agency or individual.

(2) The Division of Finance shall:

- (a) establish a fund by no later than July 1, 2008:
 - (i) to hold:
 - (A) the money in the repealed Navajo Trust Fund as of June 30, 2008;
 - (B) Utah Navajo royalties received by the state on or after July 1, 2008;
 - (C) revenues from investments made by the state treasurer of the money in the fund established under this Subsection (2)(a);
 - (D) money owed to the repealed Navajo Trust Fund, including money received by the repealed trust administrator or repealed Dineh Committee from an agreement executed by:
 - (I) the repealed board of trustees;
 - (II) the repealed trust administrator; or
 - (III) the repealed Dineh Committee; and
 - (E) money related to litigation, including settlement of litigation related to Utah Navajo royalties; and
 - (ii) from which money may not be transferred or expended, except:
 - (A) as provided in Subsection (7); or
 - (B) as authorized by congressional action to designate a new recipient of the Utah Navajo royalties; and
 - (b) by no later than July 1, 2008, transfer to the fund created under Subsection (2)(a) in a manner consistent with this section the related assets and liabilities of the repealed Navajo Trust Fund, including the transfer of money in the repealed Navajo Trust Fund.
- (3) The state treasurer shall invest money in the fund created in Subsection (2)(a) in accordance with Title 51, Chapter 7, State Money Management Act.
- (4) (a) By no later than May 5, 2008, the repealed board of trustees shall:
 - (i) adopt a list of all related assets and liabilities of the repealed trust fund that are not satisfied by May 5, 2008, which may include assets and liabilities that are contingent in nature or amount;
 - (ii) adopt a list of all individuals who at the time of adoption meet the requirements of Subsection (7)(b); and
 - (iii) provide a copy of the lists described in Subsections (4)(a)(i) and (ii) to:
 - (A) the state auditor; and
 - (B) the Department of Administrative Services.
- (b) The state auditor, in addition to completing its Fiscal Year 2007-2008 audit of the repealed Navajo Trust Fund, shall:

(i) verify the list of the related assets and liabilities of the repealed Navajo Trust Fund adopted by the repealed board of trustees under Subsection (4)(a) by no later than June 30, 2008; and

(ii) provide a written copy of the verification to the governor and the Legislature by no later than July 30, 2008.

(5) The governor shall ensure that the reporting requirements under P.L. 90-306, 82 Stat. 121, are met.

(6) The Department of Administrative Services, in cooperation with the Department of Human Resources, may assist employees of the repealed Navajo Trust Fund as of June 30, 2008, in accordance with Title 67, Chapter 19, Utah State Personnel Management Act.

(7) With the fund created under Subsection (2) and the fixed assets of the repealed Navajo Trust Fund, the Department of Administrative Services shall:

(a) subject to Subsection (8), fulfill the liabilities and obligations of the repealed Navajo Trust Fund as of June 30, 2008;

(b) provide financial assistance to an individual enrolled member of the Navajo Nation who:

(i) resides in San Juan County;

(ii) as of June 30, 2018, has received financial assistance under this Subsection (7)(b) for postsecondary education;

(iii) beginning the later of June 30 or the day on which the individual first receives financial assistance under this Subsection (7)(b), is enrolled in postsecondary education in any state for the equivalent of at least two semesters each year; and

(iv) meets the eligibility requirements adopted by the repealed board of trustees as of March 17, 2008, except that the Department of Administrative Services may increase the amount of financial assistance received by an individual under this Subsection (7)(b) when there are increases in tuition or fees charged at postsecondary institutions operating in the state;

(c) through the Division of Facilities Construction and Management, reasonably maintain the fixed assets of the repealed Navajo Trust Fund, to the extent that a lessee of a fixed asset is not required by a lease to maintain a fixed asset;

(d) through the Division of Facilities Construction and Management, take those steps necessary to secure the purchase:

(i) of the following that is owned by the repealed Navajo Trust Fund as of May 5, 2008:

(A) the government service building; or

(B) another fixed asset of the repealed Navajo Trust Fund, if the sale of the fixed asset is consistent with the obligations of the state with regard to the Utah Navajo royalties; and

(ii) (A) in an arms length manner; and

(B) so that fair market compensation is paid to the repealed Navajo Trust Fund; and

(e) charge the fund established under Subsection (2)(a) for the expenses that are necessary and reasonable to comply with the requirements of this Subsection (7).

(8) To fulfill the liabilities and obligations of the repealed Navajo Trust Fund as of June 30, 2008, the Division of Finance may expend money from the fund:

(a) for a liability or obligation incurred before March 17, 2008, to the extent that the expenditure was expressly a liability or obligation of the repealed Navajo Trust Fund as of March 17, 2008; and

(b) on and after March 11, 2010, for a project approved under Subsection (1)(b)(i) by the repealed board of trustees, except that the Division of Finance may not expend money from the fund for a project approved under Subsection (1)(b)(i):

(i) in excess of \$100,000 in the aggregate for the project; or

(ii) to fulfill a liability or obligation related to the project if the expenditure would be on or after the earlier of:

(A) the day on which money from the fund is transferred as authorized by congressional action to designate a new recipient of the Utah Navajo royalties; or

(B) January 1, 2018.

(9) Unless expressly prohibited by this part, the state may take any action with regard to the assets held by the state under this part that is consistent with the obligations of the state related to the Utah Navajo royalties.

Amended by Chapter 71, 2014 General Session

51-9-601. Act of Congress accepted -- Funds to be apportioned.

(1) The state renews its acceptance of the apportionment of money received from forest reserves made by the Act of May 23, 1908, 16 U.S.C. Sec. 500 et seq., and all acts amendatory thereof and supplementary thereto, and renews its acceptance of the act upon the terms and conditions set forth in the act.

(2) The apportionment money provided by the act shall be used for the benefit of the public schools and public roads of the counties containing the forest reserves.

Amended by Chapter 8, 2009 General Session

51-9-602. Creation of fund -- County Road and School Fund from Forest Reserves.

There is established a fund known as the "County Road and School Fund from Forest Reserves," comprised of:

(1) money which shall come into the hands of the state treasurer from the United States under the Act of May 23, 1908, 16 U.S.C. Sec. 500 et seq., and all acts amendatory thereof and supplementary thereto; and

(2) money paid under the act described in Subsection (1) that:

(a) has come into the hands of the state treasurer; and

(b) (i) the state treasurer had not apportioned to counties as of February 24, 2009; or

(ii) were apportioned to a county by the state treasurer, but were returned by the county to the state treasurer on or before June 15, 2009.

Amended by Chapter 342, 2011 General Session

51-9-603. Apportionment by the county legislative body.

The state treasurer shall, within a reasonable time after receipt of the money:

(1) apportion money that the United States determines shall be allocated to each county for special projects for deposit in one or more of the following, as directed by the legislative body of the county:

- (a) the county's general fund; or
- (b) one or more special service districts, provided that each special service district receiving money:
 - (i) is established by the county under Title 17D, Chapter 1, Special Service District Act; and
 - (ii) has as part of its functions the purpose of:
 - (A) carrying out the Firewise Communities program;
 - (B) developing community wildfire protection plans; or
 - (C) performing emergency services on federal land such as search and rescue or firefighting; and

(2) apportion the remaining net amount of the money to each county that is entitled to receive funds as follows:

(a) 50% to the school districts of the county, according to the number of school children residing in each district that are over the age of six and under the age of 18; and

- (b) 50% to the following, as directed by the county legislative body:
 - (i) the general fund of the county; or
 - (ii) one or more special service districts, provided that each special service district receiving money:
 - (A) is established by the county under Title 17D, Chapter 1, Special Service District Act; and
 - (B) has as one of its functions the purpose of constructing, improving, repairing, or maintaining public roads.

Amended by Chapter 4, 2009 Special Session 1

51-9-701. Title.

This part is known as the "Navajo Water Rights Negotiation Account Act."

Enacted by Chapter 276, 2012 General Session

51-9-702. Navajo Water Rights Negotiation Account.

(1) (a) There is created a restricted account within the General Fund known as the "Navajo Water Rights Negotiation Account."

(b) The restricted account shall consist of appropriations made by the Legislature.

(c) The Division of Finance shall:

- (i) administer the account; and
- (ii) deposit interest earned on the account into the General Fund.

(2) Subject to Subsection (3), the Legislature may appropriate money from the restricted account only to plan, design, and construct drinking water projects to serve populations located on the Navajo Nation reservation within the boundaries of Utah.

(3) Before appropriating money from the account for the purpose specified in

Subsection (2), the Legislature shall ensure that the state of Utah has:

(a) a signed, enforceable agreement on Navajo water rights with the Navajo Nation and the United States government; and

(b) a signed, enforceable project repayment agreement with the United States Department of the Interior.

(4) Creation of the account and appropriations into the account do not:

(a) create a state obligation to provide funding for the planning, design, or construction of drinking water projects to serve populations located on the Navajo Nation reservation within the boundaries of the state; and

(b) constitute an acknowledgment or admission by the state of Utah of any legal liability or obligation.

Enacted by Chapter 276, 2012 General Session